

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

September 22, 1998

DIVISION ONE

Court convened at 9:00 A.M.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Masterson, J., Dunn, J. (Assigned), and S. Beaux, Deputy Clerk.

Each of the following:

B109411 People v. Thayer
B111779 People v. Brash, et al.
B111289 People v. Morales, et al.
B111923 People v. Nguon
B112729 People v. Peterson
B113675 People v. Hodge
B115006 People v. Dixon
B115218 People v. Washington
B116178 People v. Clarke
B116394 People v. Howard et al.
B116945 People v. Gillie
B118812 People v. Earl J.
B119032 People v. James Edward H.
B119081 People v. Pacheco
B119825 People v. Laster
B121666 In re Tranice W.

Argument waived, cause submitted.

B107900 The People
 v.
 National Automobile & Casualty Insurance

Merits:

Argued by E. Alan Nunez for appellant and by Robert Raglaud, deputy county counsel, for respondent. Cause submitted.

DIVISION ONE (Continued)

B117876 The People
 v.
 Antoine

Merits:

Argued by Gerald M. Serlin for appellant and by John Yang, deputy attorney general, for respondent. Cause submitted.

B106359 Torres
 v.
 City of Los Angeles

Merits:

Argued by Kenneth A. Jew, deputy city attorney, for respondent and no appearance for appellant. Cause submitted.

B114593 The People v. Foreman
B122989 In re Foreman on Habeas Corpus

Merits:

Argued by Michael Norris for appellant and by Mary Sanchez, deputy attorney general, for respondent. Cause submitted.

B115332 L.A. Web Offset Printing, Inc.
 v.
 Premier Media, Inc., et al.

Merits:

Argued by Navneet S. Chung for appellants and by Allan Herzlich for respondent. Cause submitted.

DIVISION ONE (Continued)

B115134 The People
 v.
 Eastland

Merits:

Argued by Patrick D. Moran, deputy district attorney for appellant and by Mark Harvis for respondent. Cause submitted.

B117288 The People
 v.
 Vasquez

Merits:

Argued by Susan K. Keiser for appellant and by Analee J. Nations, deputy attorney general, for respondent. Cause submitted.

B111623 The People
 v.
 Dean

Merits:

Argued by Marleigh A. Kopas for appellant and by Valerie A. Baker, deputy attorney general, for respondent. Cause submitted.

Presiding Justice Spencer leaves the bench.

B111274 Rudin
 v.
 Rudin
 In re Marriage of Rudin

Merits:

Argued by James R. Eliaser for appellant and by Thomas Paine Dunlap for respondent. Cause submitted.

DIVISION ONE (Continued)

Presiding Justice Spencer resumes the bench.

B106271 Gordon et al.
 v.
 Ford Motor Company

Merits:
Argued by Kevin M. Fong for appellant and by Charlotte E. Costan for respondents. Cause submitted.

B113832 The People
 v.
 Davis et al.

Merits:
Argued by Eric R. Larson for appellant Winkleman and by Rama R. Maline, deputy attorney general, for respondent. Cause submitted.

Dunn, J. (assigned) leaves the bench.

B109425 The People
 v.
 Tamayo, et al.

Merits:
Argued by Paul L. Hoffman for appellant Hoffman and by Shawn A. McGahey, deputy attorney general, for respondent. Cause submitted.

Dunn, J. (assigned) resumes the bench.

DIVISION ONE (Continued)

B116130 Stockton
 v.
 Board of Psychology et al.

Merits:
Argued by Charles T. Stockton, appellant in propria persona and by
Richard Marino, deputy attorney general, for respondent. Cause submitted.

Masterson, J. leaves the bench.

B110871 HWB Automotive Group, Inc.
 v.
 Nissan Division of Nissan Motor Corporation in U.S.A

Merits:
Argued by John Anderson for appellant and by Alton G. Burkhalter and
Terry M. Giles for respondent. Cause submitted.

B093654 Nesbitt
B097204 v.
 Nesbitt
 In re Marriage of Nesbitt

Merits:
Argued by Thomas R. Schalow for appellant Nancy B. Nesbitt and by
James M. Harris for respondent Patrick M. Nesbitt. Cause submitted.

Dunn, J. (assigned) leaves the bench.

September 22, 1998-Continued

DIVISION ONE (Continued)

B123683 Dept. of Parks & Recreation
v.
Superior Court Los Angeles
(Linden, et al., r.p.i.)

Merits:

Argued by Mark A. Brown, deputy attorney general, for petitioner and by Denise A. Brogna for real parties in interest. Cause submitted.

Court adjourned.

B115006 People v. Dixon (Not for Publication)

The judgment is affirmed, and the cause is remanded to the trial court with directions to either (1) impose the fines required by Penal Code sections 1202.4, subdivision (b), and 1202.45, or (2) to make the findings required by subdivision (b) of section 1202.4 of the Penal Code and, if necessary, to thereafter amend the abstract of judgment to reflect all fines imposed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Masterson, J.

September 22, 1998-Continued

DIVISION ONE (Continued)

[illegible]

The judgment is modified to impose a \$200 restitution fine (§ 1202.45), which fine is suspended; to impose a \$100 state penalty assessment (§ 1464); and to impose a \$70 county penalty assessment (Gov. Code, § 76000); as modified, the judgment is affirmed, and the cause is remanded to the trial court with directions to prepare a corrected abstract of judgment reflecting the originally imposed fines and those imposed by our modification.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

B119825 People (Not for Publication)
v.
Laster

The judgment of conviction is affirmed. The true findings on the strike allegations are reversed, Laster's sentence is vacated, and the cause is remanded for a new trial of the strike allegations and resentencing.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Dunn, J. (Assigned)

September 22, 1998-Continued

DIVISION ONE (Continued)

B119392 Shorts (Not for Publication)

v.
Trope

The order granting a new trial is reversed and the cause is remanded to the trial court with directions to enter a new order denying Shorts' motion for a new trial and to enter a final judgment on the jury's verdict. Trope is entitled to her costs of appeal.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Masterson, J.

DIVISION TWO

B119664 People (Not for Publication)

V.
Hernandez

The Court:

The judgment is affirmed.

Boren, P.J., Fukuto, J., Zebrowski, J.

DIVISION THREE

B112529 Sammy Tliche (Certified for Publication)

v.

Carl Van Quathem & VQA Property Management, et al.

Order of dismissal reversed. The case is remanded to the trial court with directions to vacate the order of dismissal and to reconsider the imposition of sanctions for violation of the local delay reduction rule regarding the failure to serve the summons and complaint within six months. Tliche's counsel is to bear costs on appeal.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Goodman, J. (Assigned)

B115777 David Rudich (Not for Publication)

v.

Victoria Jackson

The judgment is affirmed. Costs on appeal awarded to respondent Jackson.

Kitching, J.

We concur: Klein, P.J.
 Goodman, J. (Assigned)

B116131 Chip P. Cenci III (Not for Publication)

v.

Warner Bros. Records Inc., et al.

The judgment entered in favor of Warner and Lemunyon is affirmed. Warner and Lemunyon are awarded costs on appeal.

Cenci's request that we strike portions of respondents' Appendix, to wit, certain pages of Cenci's deposition, is denied.

Kitching, J.

We concur: Klein, P.J.
 Goodman, J. (Assigned)

DIVISION FOUR

B120000 State Compensation Insurance Fund
v.
Workers' Compensation Appeals Board

Filed order certifying opinion for publication.

DIVISION FIVE

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The judgment is affirmed.

Godoy Perez, J.

We concur: Turner, P.J.
 Grignon, J.

B122367 People (Not for Publication)
v.
Antonio M.

The judgment is affirmed.

Godoy Perez, J.

We concur: Turner, P.J.
 Grignon, J.

B112018 Diaz
v.
Crestgate Homeowners Association et al.

Filed order denying petition for rehearing.

DIVISION FIVE (Continued)

B115014 People
 v.
 Andre Allison

Filed order denying petition for rehearing.

DIVISION SIX

B120493 People (Not for Publication)
 v.
 Parker

The judgment is affirmed.

Yegan, J.

We concur: Stone, P.J.
 Gilbert, J.

B112569 Hennessey's Tavern, Inc. (Not for Publication)
 v.
 Alliance General Ins. Co., et al.

The summary judgment is affirmed. Costs are awarded to respondents.

Gilbert, J.

We concur: Stone, P.J.
 Yegan, J.

September 22, 1998-Continued

DIVISION SIX (Continued)

B118168 Harris (Not for Publication)

V.

The Oaks Shopping Center, et al.

The judgment is affirmed. Costs are awarded to respondents.

Gilbert, J.

We concur: Stone, P.J.

Coffee, J.

B115927 Mize (Not for Publication)

V.

Mize

The judgment is affirmed. Costs to respondent.

Yegan, J.

We concur: Stone, P.J.

Coffee, J.